

REMARKS

## I. INTRODUCTION

Applicants appreciate the Examiner's time and consideration in discussing the above-identified case. Pursuant to the interview on November 19, 2004, Applicants have agreed to amend the Application consistent with the Examiner's recommendations. Accordingly, Applicants have amended claims 1, 2, 16, 17, 31, and 32.

Claims 1-5, 8-20, 23-35, and 38-52 remain in the application. Entry of the amendment, and re-consideration of the application, as amended, is requested.

## II. INTERVIEW SUMMARY

On November 19, 2004, an Interview was conducted between Examiner Geoffrey Akers, Jason S. Feldmar (Reg. No. 39,187), and Georgann Grunebach (Reg. No. 33,179). The scope of the current claims in view of Nel (6,363,364) were discussed. Agreement was reached in that Applicants agreed to file an amendment in the form of a Request for Continued Examination (RCE) while providing additional limitations in the claims to overcome the Nel reference.

## III. PRIOR ART REJECTIONS

Prior to submission of the Appeal Brief, the claims were rejected primarily based on the Nel reference. Pursuant to an Interview with the Examiner, Applicants have elected to reopen prosecution by filing this RCE including the above-identified amendments.

In this regard, Applicants note that Nel completely fails to address the unique, novel, and nonobvious aspects of the present invention that relate to the interactions between a user and a set top box. Such interactions enable an end-user to activate a set top box without actually interacting (e.g., on the telephone) with a customer service representative from a broadcast provider. The elimination of such interaction results in a significant cost savings by the broadcast provider (see page 3, lines 22-27 of the present specification). Further, the automated use of the credit cards (as set forth in the claims) eliminates the need for a broadcast provider to manage debt collection since a credit card company can now control and benefit from the credit card used (see page 3, line 28- page 4, line 6).

As suggested by the Examiner, the amended claims more closely reflect the various steps set forth in FIG. 5 and page 11, line 14-page 14, line 31 of the present invention. The inclusion of such language to reflect FIG. 5 was discussed during the Interview with the Examiner to overcome the rejections based on Nel. Applicants note that Nel does not even remotely describe the initial activation of a television subscription service as set forth in the claims. Instead, Nel describes using an already established relationship between a user and provider to order subsequent services. For example, col. 3, lines 41-51 of Nel specifically discuss using security mechanisms that utilize account numbers and PIN numbers. The existence of account numbers and PIN numbers by Nel clearly establishes that a relationship and an account already exists between a user and a provider. Thus, Nel utilizes this already established relationship to enforce security measures. Such a teaching is completely contrary to that of the present invention, wherein no prior relationship exists. In this regard, Applicants note that the claims clearly provide for the initial activation of the receiver and an initial television programming package for an initial television subscription service. Such language eliminates the possibility for there to be an already active receiver and an already existing television programming package for the receiver as is clearly required in Nel. Thus, Nel actually teaches away from the present claims and their limitations.

In view of the above, Applicants submit that the specific claim language directed towards an initial television subscription service for an initial activation of a receiver and an initial television programming package for the receiver is not taught, suggested, implied, or alluded to, implicitly or explicitly, in Nel. The amended claims describe in detail how a user initiates a purchase in a receiver that causes software in the receiver to display a purchase screen. Thereafter, the user enters information in to the purchase screen and the receiver transmits the purchase information that has been entered to a vendor. If the purchase has been allowed, the vendor delivers a confirmation number to the receiver. Further, the receiver receives authorization for the initial activation (of the receiver) and the initial television programming package. Once received, the receiver uses the authorization to activate and configure the receiver to display the appropriate services on the television (i.e., presentation device). Such a detailed sequence of events used for activating a television subscription service is not remotely suggested by Nel or the other cited art.

In view of the above, Applicants submit that the various elements of Applicant's claimed invention together provide operational advantages over the systems described in the prior art. In addition, Applicants' invention solves problems not recognized by the prior art.

Thus, Applicant's submit that the independent claims are allowable over the cited art. Further the dependent claims are submitted to be allowable over the cited art in the same manner, because they are dependent on the independent claims and contain all of the limitations of the independent claims. In addition, the dependent claims recite additional novel elements not shown by the cited art.

### III. CONCLUSION

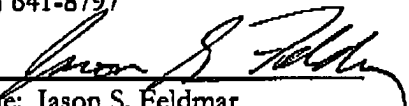
Applicants respectfully request entry of the above amendments. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,  
Gregory J. Gagnon et al.  
By their attorneys,

GATES & COOPER LLP

Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
(310) 641-8797

Date: November 22, 2004

By:   
Name: Jason S. Feldmar  
Reg. No.: 39,187